

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LISA M. BEUTEL, et al,

Plaintiffs,

-vs-

COUNTY OF JEFFERSON,

Defendant.

**JOINT STIPULATED ORDER
(Partial Dismissal)**

Civil Action No. 5:23-cv-1603 (FJS-MJK)

WHEREAS, it is mutually agreed between the parties that the claims asserted by Plaintiff, MELODY CHAINEY (the "Plaintiff"), only, shall be voluntarily dismissed with prejudice as set forth herein from the above captioned matter pursuant to Federal Rules of Civil Procedure ["FRCP"] 41(a) (1) (A)(ii);

WHEREAS, based on the recent passage of Chapter 55 of the Laws of 2024 (Assembly Bill A8805C and Senate Bill S8305C) signed by Governor Hochul on April 20, 2024, representing the legislative intent to amend Article 11 of the New York Real Property Tax Law ("RPTL") in response to the U. S. Supreme Court decision in *Tyler v. Hennepin County*, the parties, as described above, have agreed and hereby stipulate that all constitutional claims asserted by Plaintiff, MELODY CHAINEY only, are hereby dismissed as against the Defendant County of Jefferson ("Jefferson") with the intended effect as set forth under FRCP 41(a)(1)(B);

WHEREAS, the Plaintiff, MELODY CHAINEY, only, through her legal counsel, has filed a motion dated November 7, 2024 with Index No. EF2019-00002723, pursuant to newly amended RPTL § 1197 seeking surplus funds from Defendant Jefferson;

WHEREAS, the Plaintiff, MELODY CHAINEY, only, has elected to and chosen to pursue the available remedies under New York state law as described above, to claim any surplus as specifically set forth in the motion seeking relief under recently amended provisions of Article 11 of the RPTL and, as a result, the Plaintiff, MELODY CHAINEY, as indicated by her undersigned counsel, shall discontinue her respective federal court action against Defendant Jefferson, and agree to the dismissal of Plaintiff's, MELODY CHAINEY, claims only with prejudice.

Dated: November 13, 2024

By: 

David M. Giglio
David M. Giglio & Associates, LLC
Attorneys for Plaintiffs
13 Hopper Street
Utica, New York 13501
Telephone: (315) 797-2854

Dated: November 13, 2024

By: 

H. Todd Bullard, Esq.
Steven P. Nonkes, Esq.
Neal L. Slifkin, Esq.
Harris Beach PLLC
Attorneys for Defendant
Jefferson County
99 Garnsey Road
Pittsford, New York 14534
Telephone: (585) 419-8800

SO, ORDERED



Frederick J. Scullin, Jr.
Senior United States District Judge

Date: November 15, 2024